

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL AND SUSAN FIORE,

Plaintiffs,

v.

6:07-CV-0797  
(DNH/GHL)

TOWN OF WHITESTOWN, et al.,

Defendants.

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APPEARANCES:

BOSMAN LAW OFFICE  
Counsel for Plaintiffs  
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Utica, New York 13502

SMITH, SOVIK, KENDRICK & SUGNET, P.C.  
Counsel for Defendants  
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Syracuse, New York 13202-1252

GEORGE H. LOWE, United States Magistrate Judge

OF COUNSEL:

A.J. BOSMAN, ESQ.

EDWARD J. SMITH III, ESQ.

**ORDER**

On April 1, 2008, I issued an Order directing, *inter alia*, that Defendants were to provide me with copies of their personnel files for *in camera* review, and Plaintiffs were to submit a proposal to me as to how that review should be conducted. (Dkt. No. 22 at 2.) In the meantime, I have reviewed Plaintiffs' Verified Amended Complaint (Dkt. No. 23), and it is not immediately apparent to me as to how the Defendants' personnel files are relevant. Therefore I vacate the aforementioned portion of the April 1, 2008, Order (Dkt. No. 22). If Plaintiffs believe that these files are relevant they should request them pursuant to Rule 34. If Defendants object, Plaintiffs

may move to compel. Accordingly, it is

**ORDERED**, that the fourth ordering paragraph of the Order of April 1, 2008, directing that “as soon as possible Defendants will provide the Court with copies of their personnel files ... for the Court’s *in camera* review, and Plaintiffs shall submit a proposal to the Court as to how that review should be conducted,” is **VACATED**.

Dated: April 28, 2008  
Syracuse, New York

  
George H. Lowe  
United States Magistrate Judge